

AMENDING AMERICA'S UNWRITTEN CONSTITUTION

It is well known that the US Constitution has been amended twenty-seven times since its creation in 1787, but that number does not reflect the true extent of constitutional change in America. Although the Constitution is globally recognized as a written text, it consists also of unwritten rules and principles that are just as important, such as precedents, customs, traditions, norms, presuppositions, and more. These, too, have been amended, but how does that process work? In this book, leading scholars of law, history, philosophy, and political science consider the many theoretical, conceptual, and practical dimensions of what it means to amend America's 'unwritten Constitution': how to change the rules, who may legitimately do it, why leaders may find it politically expedient to enact written instead of unwritten amendments, and whether anything is lost by changing the constitution without a codified constitutional amendment.

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A few years ago, a group of sixty scholars gathered on the beautiful campus of Boston College to discuss how unwritten constitutional norms and conventions in the United States can and do change. Over two days of debate and discussion, conference participants expanded our theoretical and practical understanding of what it means to “amend” America’s “unwritten constitution,” how the “unwritten constitution” can be amended if at all, and who the relevant constitutional actors are in catalyzing and concretizing these changes.

The highlights of the conference were the keynote lectures delivered by the contributors to this book. Their lectures have since been written as chapters and revised in light of comments and conversation at this productive gathering. We are proud to share these texts with the world; we know they will be of great interest to scholars in the field of constitutional change and beyond.

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